





10/804,616

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alex J. Simmons  
Serial No.: 10/804,616                      Group Art Unit: 2176  
Filed: March 19, 2004                      Docket No.: 60001.0302US01/MS302497.1  
Title: Automatic Height Adjustment of Electronic Highlighter Pens and Mousing  
Devices

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 5, 2006.

By: Colin S. Wright  
Name: Colin S. Wright

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

The documents disclosed herein are of record in Application No. 10/186,865, the specification of which is substantially the same as the specification in the present application.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided, except for the U.S. Patents and U.S. Publications.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

S/N 10/804,616

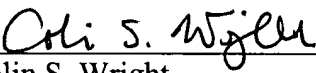
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

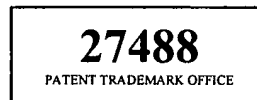
Respectfully submitted,

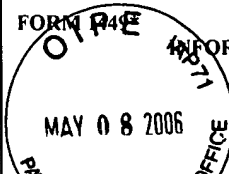
MERCHANT & GOULD, LLC

Date: May 5, 2006

  
\_\_\_\_\_  
Colin S. Wright  
Reg. No. 57,202

MERCHANT & GOULD, LLC  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(404) 954-5100



 <p style="text-align: center;"><b>INFORMATION DISCLOSURE STATEMENT</b></p> <p style="text-align: center;"><b>IN AN APPLICATION</b></p> <p style="text-align: center;">(Use several sheets if necessary)</p>	Docket Number: 60001.0302US01/MS302497.1	Application Number: 10/804,616
	Applicant: Alex Simmons	
	Filing Date: March 19, 2004	Group Art Unit: 2176

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,347,295	09/1994	Agulnick et al.			
	5,559,942	09/1996	Gough et al.			
	6,654,035	11/2003	DeStefano			
	6,651,221	11/2003	Thompson et al.			
	5,517,578	05/1996	Altman et al.			
	6,678,865	1.13.04	Pratley et al.			
	6,487,567	11.26.02	Michelman et al.			
	5,590,257	12.31.96	Forcier			
	6,081,829	6.27.00	Sidana			
	5,347,295	09.13.94	Agulnick et al.			
	5,559,942	09.24.96	Gough et al.			

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	DE 40 26 852 A1	02.28.91	Germany				
	3-270403	12.02.91	Japan				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Wilcox et al., "Dynamite: A Dynamically Organized Ink and Audio Notebook," Computer-Human Interaction, 3.27.1997, pp. 186-193
	Thomas Jakobsen, "Advanced Character Physics," 2001, Proceedings, Game Developer's Conference 2001, pp. 1-17

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 60001.0302US01/MS302497.1	Application Number: 10/804,616
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	6,654,035	11.25.03	DeStefano			
	6,651,221	11.18.03	Thompson et al.			
	5,517,578	05.14.96	Altman et al.			
	5,867,150	02.02.99	Bricklin et al.			
	5,970,455	10.1999	Wilcox et al.			
	6,565,611	05.2003	Wilcox et al.			
	5,517,578	05.1996	Altman et al.			
	5,809,498	09.1998	Lopresti et al.			
	5,838,819	11.1998	Ruedisueli et al.			
	6,355,889	03.2002	Butcher et al.			
	6,487,569	11.2002	Lui et al.			
	6,741,749	05/2004	Herbert, Jr., Peter F.			

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	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

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	6,279,014	08.2001	Schilit et al.			
	6,529,215	03.2003	Golovchinsky et al.			
	5,500,937	03.1996	Thompson-Rohrlich, John			
	5,583,542	12.1996	Capps et al.			
	2,354,332	07.25.44	Polydoroff			
	5,953,735	09.1999	Forcier, Mitchell D.			
	5,760,773	06.1998	Berman et al.			
	6,069,626	05.2000	Cline et al.			
	5,339,391	08.1994	Wroblewski et al.			
	5,874,957	02.1999	Cline et al.			
	6,128,633	10.2000	Michelman et al.			
	6,833,827	12/2004	Lui et al.			

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	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

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	7,002,560	02/2006	Graham, Evan			
	6,594,390	07/2003	Frink et al.			
	6,154,758	11/2000	Chiang, Mike W.			
	6,295,372	09/2001	Hawkins et al.			
	6,340,967	01/2002	Maxted, Sean Kenneth			
	6,661,409	12/2003	Demartines et al.			
	6,690,364	02/2004	Webb, Russell Y.			
	2004/0003350	01.2004	Simmons et al.			
	2001/000960 A1	05.10.01	Dettloff			
	2002/0097270 A1	07.25.02	Keely et al.			
	2003/119469 A1	06.26.03	Karr et al.			

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PATENT TRADEMARK OFFICE

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